

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendant.

No. 2:21-cv-01236-TLN-AC

**ORDER**

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 7, 2022, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. (ECF No. 11.) Plaintiff has not filed objections to the findings and recommendations. However, objections have been filed on Plaintiff's behalf by Laura Simmons, who appears to be a relative of Plaintiff. (ECF No. 12.)

The Court does not typically accept filings on behalf of a party by non-attorneys. However, even under a *de novo* review of this case, in accordance with the provisions of 28

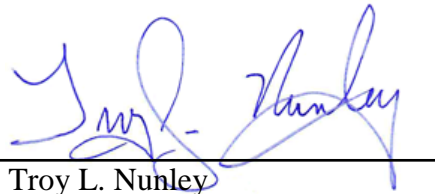
1 U.S.C. § 636(b)(1)(C) and Local Rule 304, a careful review of the entire file establishes that the  
2 findings and recommendations are supported by the record and by proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed November 7, 2022 (ECF No. 11), are adopted  
5 in full;
- 6 2. The complaint is DISMISSED without leave to amend for failure to state a claim; and
- 7 3. The Clerk of the Court is directed to close this case.

8 **DATED: January 2, 2023**

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Troy L. Nunley  
United States District Judge